IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22745 of 2004

Between:

Kadiyala Sathishchandra, S/o. Seshagiri Rao,
Door No. 4/994-8-1, Rajupet, APSEB, Colony, Near National College,

Machilipatnam, Krishna District.

..... PETITIONER

AND

The Superintending Engineer, Operation Circle, Southern Power Distribution Company- Operation Circle, A.P. Transco, Vijayawada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, Order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent in not considering the case of the petitioner for appointment to the post of Sub Engineer or in any other post under the provisions of Section 25-H of Industrial Disputes Act as wholly illegal, arbitrary and violatiove of Articles 14, 16 and 21 of Constitution of India and consequently direct the Respondent to consider his case for appointment to the post of Sub Engineer or in any other post.

Counsel for the Petitioner:MR.RAVI KONDAVEETI

Counsel for the Respondent : MR.S.RAVINDRANATH, STANDING COUNSEL

The Court at the stage of admission, made the following :

ORDER:

This writ petition is filed by the petitioner to issue a writ of mandamus declaring the action of the respondent in not considering the case of the petitioner for appointment to the post of Sub-Engineer as per Section 25-H of the Industrial Disputes Act as illegal, arbitrary and consequently to direct the respondent to consider his case.

The learned counsel appearing for the petitioner contended that though the petitioner worked as contract labour under the control of the respondent-Corporation for more than 240 days, his case has not been considered for the post of Sub-Engineer as per Section 25-H of the Industrial Disputes Act.

On the other hand, the learned Standing Counsel appearing for the respondent-Corporation contended that Section 25-H of the Industrial Disputes Act has no application so as to consider the case of the petitioner.

Whether the petitioner worked in the respondent-Corporation for more than 240 days, whether he is eligible to be appointed to the post of Sub Engineer as per Section 25-H of the Industrial Disputes Act within the vacancies, are required to be considered by the respondent-Corporation, in accordance with its Board Proceedings and Rules and Regulations.

Therefore, a direction is given to the respondent-Corporation to consider the case of the petitioner in accordance with the Board Proceedings and Rules and Regulations, within a period of one month from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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28.12.2004

NOTE: Office to furnish C.C within three days.

(b.o)

bsv

To

1. The Superintending Engineer, Operation Circle, Southern Power Distribution

Company- Operation Circle, A.P. Transco, Vijayawada, Krishna District.

2. 2 CD copies